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REMARKS

The Office Action dated 18 February 2005 has been reviewed, and the comments of the Patent Office considered. Claim 12 has been canceled without prejudice or disclaimer, claims 1, 9 and 11 have been amended, and claims 2-8, 10 and 13 remain as originally filed. Claims 1-11 and 13 are respectfully submitted for reconsideration by the Examiner.

Claims 1-8 and 11-13 appear to have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,630,403 to Van Kempen et al. ("Van Kempen") in view of U.S. Patent No. 4,564,046 to Lungu, and claims 9-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lungu. These rejections are respectfully traversed in view of the following comments.

The Office Action makes a number of assertions that are inconsistent with Lungu. First, Lungu fails to state that any passage or port is an "inlet." Consequently, assertions in the Office Action that are not supported by Lungu include "Lungu teaches a valve having an inlet passage aligned with within an inlet port," a "valve seat which is formed in a disc-type portion of the inlet passage," and "[t]he inlet passage acts as a stator." Second, Lungu fails to state how exciter coil 3 is driven. Consequently, there the is no support in Lungu for the assertion in the Office Action that "both [van Kempen's and Lungu's] solenoids were controlled by high speed pulse modulation."

As such the allegation in the Office Action that it would have been obvious to modify Van Kempen "by constructing the inlet valve as taught by Lungu" because, in part, "both solenoids were controlled by high speed pulse modulation," is simply not credible. Moreover, it is respectfully submitted that Van Kempen and Lungu cannot be combined because there is no reasonable expectation of success that Van Kempen's solenoid coil sub-assembly 30 could be made to work with Lungu's permanent magnet armature 4 to achieve Van Kempen's consistency and predictability for valve opening and closing and, therefore, for mass purge flow. *See* Van Kempen at column 2, lines 5-34, and column 6, lines 56-59.

Nevertheless, independent claims 1, 9 and 11 have been amended to particularly point out and distinctly claim Applicants' invention. Insofar as the rejections set forth in the Office Action

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are applicable to amended claims 1, 9 and 11, Applicants respectfully traverse these rejections because each of Van Kempen and Lungu fail to teach or suggest the claimed invention as a whole.

Applicants' amended claim 1 recites a purge valve that includes "fluid communication between the aperture and the intake manifold being prevented in a closed configuration of the purge valve." Independent claim 9 has been similarly amended and recites a fluid flow valve including "fluid communication between the aperture and the outlet port being prevented in a closed configuration of the fluid flow valve." And independent claim 11, which has been amended to include the features of canceled claim 12, recites a method including "the fuel vapor communication biasing the permanent magnet from the seat." Support for these combinations of features may be found in Applicants' specification as originally filed at, for example, paragraphs 0020, 0022 and 0024.

According to the preferred embodiment described and shown in Applicants' specification and drawings as originally filed, the seat or annular disc portion 66, which defines an aperture 66a, is in fluid communication with fuel vapor collection canister 12 (via inlet port 41) in both the closed and open configurations of valve 14 (Figures 2 and 3, respectively). However, fluid communication between the aperture 66a and intake manifold 18 (via outlet port 42) is prevented by head or permanent magnet disc 80 in the closed configuration of valve 14 (Figure 2). Accordingly, in the open configuration of valve 14 (Figure 3), flow along the path from inlet port 41 to outlet port 42 assists in separating permanent magnet disc 80 from annular disc portion 66. *See* paragraphs 0022 and 0024.

In contrast, the relied-upon references fail to show or describe the claimed features. For example, Van Kempen shows the exact opposite of Applicants' arrangement. Specifically, Van Kempen's valve seat 62 defines a circular cylindrical segment 48 that is in fluid communication with intake manifold 18 (via outlet port 26) in both the closed and open configurations of valve 14. However, fluid communication between the circular cylindrical segment 48 and vapor collection canister 12 (via inlet port 40) is prevented by valve element 33 in the closed configuration of valve 14. Accordingly, in the open configuration of valve 14, flow along the path from inlet port 40 to outlet port 26 inhibits, as opposed to assists, separating valve element

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33 from valve seat 62. On the other hand, Lungu is completely silent as to direction of flow along any of the alternate flow paths, i.e., between connection pieces 57/57b, 58/58b and 60/60b as in Lungu's Figures 6/11, respectively. Accordingly, Lungu is also silent as to flow assisting, or inhibiting, the separation of armature 4a/4b from either of valve seats 56/56b or 59/59b. It is also respectfully submitted that Lungu fails to overcome the deficiencies of Van Kempen.

Thus, for at least any of the above reasons, the rejections under 35 U.S.C. §§ 102(b) and 103(a) of independent claims 1, 9 and 11 should be withdrawn, and it is respectfully submitted that claims 1, 9 and 11 are patentable over each of Van Kempen and Lungu, whether considered independently or in combination.

Claims 2-8, 10 and 13 depend, directly or indirectly, from independent claims 1, 9 and 11, respectively, and therefore recite the same patentable combinations of features, as well as reciting additional features that further distinguish over the applied prior art. Thus, it is respectfully submitted that the rejections under 35 U.S.C. §§ 102(b) and 103(a) of claims 2-8, 10 and 13 should be withdrawn, and that these claims also are patentable over the applied prior art.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this Application and the prompt allowance of claims 1-11 and 13.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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